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C O N F I D E N T I A L SECTION 01 OF 02 HARARE 000259

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SUBJECT: TREASON TRIAL OF MDC PRESIDENT ENTERS THIRD DAY

REF: HARARE 230

Classified By: POLITICAL SECTION CHIEF MATT HARRINGTON. REASONS: 1.5 (B) AND (D).

Trial proceeds slowly

11. (U) The treason trial of three Movement for Democratic Change (MDC) leaders -- President Morgan Tsvangirai, Secretary-General Welshman Ncube, and Member of Parliament

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Renson Gasela -- began as scheduled in Zimbabwe's High Court on February 3 and is now in its third day on February 5. On the first day, GOZ deputy attorney-general Bharat Patel summarized the state's case, which is that the three MDC leaders hired a Canadian political consulting firm -- Dickens and Madson -- to arrange the assassination of President Mugabe. Patel indicated that state witnesses would include, inter alia, Dickens and Madson director Ari Ben-Menashe, Air Force Commander Perence Shiri, and Central Intelligence Director Happyton Bonyongwe. In his summary, the lead counsel for the accused -- renowned South African attorney George Bizos -- emphasized that his clients belong to a political party which is committed to the rule of law and to the achievement of change via a constitutional process and declared that the charges had been filed to discredit and embarrass the accused. Bizos acknowledged that Tsvangirai had met with Ben-Menashe, but said he had done so at the request of Dickens and Madson, which had pressed the MDC President to enter into a political consultancy arrangement.

Ari Ben-Menashe

12. (C) The second and third days of the trial (February 4 and 5) have been consumed by the state's questioning of its star witness, Ari Ben-Menashe and examination of the infamous videotape, in which the "elimination" of President Mugabe was allegedly discussed. The prosecutor walked Ben-Menashe through how he was introduced to Tsvangirai and his MDC colleagues, and what was discussed at each of their meetings. Ben-Menashe claimed that it was the MDC who sought a relationship with his company and that it was Tsvangirai who asked for his company's help in arranging the assassination of Mugabe. Ben-Menashe did admit to signing a contract with the GOZ for provision of consultancy services, but only in January 2002, after the videotape of his final meeting with Tsvangirai was made. He said the government had agreed to

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pay him U.S. \$1,000,000 for his services and had disbursed only about U.S.\$400,000 of that sum to date. Ben-Menashe claimed that he had informed the U.S. Government of the plot.

13. (C) The prosecution spent half of February 4 and all of February 5 eliciting Ben-Menashe's commentary -- in agonizing detail -- on the grainy videotape of the fateful meeting. Much of what is said on the videotape is unintelligible, and it is impossible to make out most of the faces of those who attended the meeting. (Comment: Ben-Menashe has appeared to be reading from a ZANU-PF script -- his testimony was sprinkled with such familiar phrases as "the MDC represents its masters, the UK government and white Rhodesians," and "Tony Blair's imperialism." Ben-Menashe came across mostly as an unprincipled buffoon, and his testimony regularly elicited derisive laughter or whistling from the crowd. End Comment.)

14. (C) Ben-Menashe has stated that he plans to depart Zimbabwe on February 7, but the presiding judge -- Paddington Garwe -- has not indicated whether he will permit this. The MDC is planning to cross-examine Ben-Menashe for up to two weeks, and his departure on Friday would provide only a day for cross-examine. In a conversation with us, Bizos called Ben-Menashe "a cross-examiner's dream," and said his early departure would seriously prejudice the defense's case.

Access problems

15. (U) Obtaining access to the courtroom was much smoother after the chaotic first day of the trial, when large numbers of journalists, diplomats, MDC officials, and members of the general public were denied entry. On the second and third days, police presence for blocks around remained heavy, but all interested diplomats were admitted, along with a number of international journalists -- AP, Reuters, The Guardian, and stringers for a number of international news services. Each day, the GOZ has packed a number of seats with security service members while continuing to restrict access by members of the general public.

SULLIVAN